

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Jon Edward Ham and Charles Fuentes,	)	Civil Action No.: 4:15-cv-00372-RBH
	)	
Plaintiffs,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Thomas McFadden,	)	
	)	
Defendant.	)	
	)	

Plaintiffs Jon Edward Ham and Charles Fuentes, represented by counsel, filed this action against Defendant Thomas McFadden alleging violations of their constitutional rights pursuant to 42 U.S.C. § 1983 and also asserting state law claims. *See* ECF No. 1. Defendant filed a motion for summary judgment. *See* ECF No. 33. The matter is now before the Court for review of the Report and Recommendation (R & R) of United States Magistrate Judge Kaymani D. West, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 45. The Magistrate Judge recommends the Court grant Defendant's motion for summary judgment and dismiss this case. R & R at 1, 29.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No parties have filed objections to the R & R, and the time for doing so has expired. *See* ECF

No. 45 (requiring objections to be filed by July 1, 2016). In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199-200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Court adopts and incorporates by reference the R & R [ECF No. 45] of the Magistrate Judge. It is therefore **ORDERED** that Defendant's motion for summary judgment [ECF No. 33] is **GRANTED** and that Plaintiffs' federal law claims are **DISMISSED** *with prejudice*. The Court declines to exercise supplemental jurisdiction over Plaintiffs' remaining state law claims and **DISMISSES** the state law claims *without prejudice*.

**IT IS SO ORDERED.**

Florence, South Carolina  
July 6, 2016

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge